

## **TENNESSEE VALLEY AUTHORITY**

### **FINDING OF NO SIGNIFICANT IMPACT AND ADOPTION OF ENVIRONMENTAL ASSESSMENT PREPARED BY THE FEDERAL HIGHWAY ADMINISTRATION**

**PERMANENT EASEMENT FOR 0.51 ACRES IN WAYNE COUNTY AND SECTION  
26a APPROVALS FOR TENNESSEE STATE ROUTE 15 (US 64) IMPROVEMENTS  
FROM THE NATCHEZ TRACE PARKWAY TO SR 240 IN WAYNE AND LAWRENCE  
COUNTIES, TENNESSEE**

#### **Proposed Action and Need**

The Tennessee Department of Transportation (TDOT) proposes to improve Tennessee State Route (SR) 15 (U.S. Highway [US] 64) from SR 99 in Waynesboro, Wayne County, to the SR 15 Bypass in Pulaski, Giles County, including construction of a bypass south of Lawrenceburg, in Lawrence County. SR 15 is classified as a "Principal Arterial" on the National Highway System, and at present, is primarily a two-lane highway within the project limits. The proposed project would improve SR 15 to a multilane thoroughfare. The total length of the project is approximately 45.5 miles. TDOT has divided the project into ten segments:

<b>Segment</b>	<b>Description</b>
Segment 1	West of SR 99 to Old US 64
Segment 2	Old US 64 to Little Fortyeight Creek Road
Segment 3	Little Fortyeight Creek Road to the Natchez Trace Parkway
Segment 4	The Natchez Trace Parkway to SR 240
Segment 5	SR 240 to West of Robertson Road
Segment 6	West of Robertson Road to Stribling Road (Lawrenceburg Bypass)
Segments 7 and 8	Lawrenceburg Bypass
Segments 9 and 10	Lawrenceburg Bypass (Miller Lane) to Pulaski Bypass

TDOT has requested that Tennessee Valley Authority (TVA) grant a permanent easement for the construction, use, and maintenance of a right-of-way for new public roadway construction associated with the construction improvements. The right-of-way permanent easement would affect approximately 0.514 acres of TVA property and lies within Segment 1 of the proposed highway improvements. Construction within the proposed right-of-way would include four 12-foot travel lanes with slopes of 6-foot horizontal distance to 1 foot of vertical drop (6:1). Some locations of the roadway would have a 12-foot-wide turn lane, while other sections would have a grassed median. Additionally, TDOT has also requested Section 26a approval under the TVA

Act for stream crossings within Segment 4 of the proposed highway improvements. TVA Section 26a approvals are needed for eight stream crossings, impacting 1,648 feet of stream, which would be mitigated by participating in the Tennessee In-Lieu Fee Stream Mitigation Program for a total cost of \$329,600. Although TVA's subject actions relate only to Segments 1 (easement) and Segment 4 (Section 26a approval) of the project, it is contemplated that TVA would receive requests for future approval on other segments of the project. These requests will be considered when additional permit applications are submitted for other segments of the roadway.

TVA proposes to approve the proposed permanent easement and stream crossings so that TDOT can construct improvements to SR 15. As part of the upgrade to SR 15, Section 26a approvals would eventually be needed for Richland, Shoals, and Fortyeight Creeks and numerous small stream crossings. Because the entire project is a federal action, includes federal funding, and would require additional Section 26a approvals from TVA that would involve assessment and potential mitigation of stream and wetland impacts, TVA decided that an Environmental Assessment (EA) would allow a better understanding of the impacts of this proposal.

### **Alternatives**

The Federal Highway Administration (FHWA) prepared an EA in October 2002 that evaluated the environmental consequences of two alternatives: No Action and the Applicant's Build Alternative with Additional Modifications. Previously considered alternatives were also described. Under No Action, the new highway would not be constructed. Under the Applicant's Build Alternative, the highway would be constructed. SR 15 (US 64) would be reconstructed, including a bypass around Lawrenceburg, as a four-lane median divided highway. An exception is a segment west of Pulaski from Big Dry Creek Road (Vales Mill Road) to the SR 15 Bypass. This segment is proposed to be reconstructed as a five-lane highway. The EA assessed two alternate routes for the Lawrenceburg Bypass, Alternative A to the north and Alternative B to the south. Alternative B was selected as the preferred route for the Lawrenceburg Bypass.

Previously considered alternate designs included widening the highway to the north side, to the south side, and then symmetrically of the centerline of the existing roadway. Because of the increased number of residential and business displacements, and higher right-of-way and utility adjustment costs, these three alternate designs were eliminated from further consideration. An alternate alignment was considered at the Lawrence/Giles County line. This alternative would have resulted in several displacements in addition to potentially adversely affecting Choate Creek and the surrounding environment. Another alternate alignment was considered for the segment between Hurricane Road and Home Hill Road in Giles County. Because of additional stream crossings (several) on Choate Creek, higher estimated costs, and increased difficulty in maintaining traffic during construction, this alternative was also eliminated from further consideration.

### **Public and Intergovernmental Review**

TDOT held three open house-type public meetings early in the design process and prior to any public hearings for the project. Five public hearings were held during the summer of 2000: June 13 in Waynesboro; May 16, June 20, and July 18 in Lawrenceburg; and June 29 in Pulaski, Tennessee. A total of 588 people attended the public hearings. Copies of the draft EA were available for public review at the Giles,

Lawrence, and Wayne Counties Public Libraries, and the FHWA and TDOT offices in Nashville, Tennessee.

A U.S. Army Corps of Engineers (USACE) and TVA joint public notice was issued on February 9, 2004, for the proposed wetland impacts and culvert construction within Segment 4 of the proposed highway improvement project for SR 15 (attached). Letters were received from the Tennessee Historical Commission and the U.S. Fish and Wildlife Service (also attached).

### **Impacts Assessment**

The EA prepared by the FHWA assessed the impacts of proposed highway improvements for a 45.5-mile stretch of SR 15 (US 64) in Lawrence, Giles, and Wayne Counties, Tennessee. TVA independently reviewed the impacts assessed in the FHWA EA and confirmed their findings. As a cooperating agency, TVA provided scoping comments and commented on the draft EA.

There would be temporary and insignificant impacts on water quality, aquatic habitat, and minor increases in noise levels associated with the project and its construction. Impacts to recreation, aesthetics, and from project noise would be minimal. In the design year 2022, with the improved conditions, noise levels would stay below 70 decibels; therefore no noise abatement would be needed.

Two wetland sites would be affected by the proposed construction of segment 4. Permanent wetland impacts total 1.20 acres, which would be mitigated at a 4:1 ratio by deducting 4.80 credits from the Harpeth Wetland Bank. TDOT proposes to offset the temporary wetland impacts by returning the area to its original elevations and planting trees. Eight other sites would have stream impacts and meet the conditions of USACE's Nationwide Permit #14. As previously mentioned, these sites would impact 1,648 feet of streams, which would be mitigated by TDOT participating in the Tennessee In-Lieu Stream Mitigation Program for a total cost of \$329,600. The Duck River saddled madtom and the blotchside perch are known to occur in FortyEight Creek, near the confluence of Furnace Creek, the stream along which this project is located. Any potential impacts from sedimentation to these species would be avoided by implementation of the TVA's General and Standard Conditions 5a through 5e and 6a through 6i.

The proposed project was previously coordinated with the U.S. Fish and Wildlife Service (USFWS). A biological assessment was prepared for the federally listed Eggert's sunflower, which may occur in the project area. On September 23, 1999, the USFWS concurred that the biological assessment was adequate and that the project would not likely have an adverse effect on the species. TVA believes that the requirements of Section 7 of the Endangered Species Act have been fulfilled.

TVA will rely on phased compliance to meet its obligations under Section 106. TVA's actions are within Segments 1 and 4. An archaeological survey was prepared under 36 Code of Federal Regulations 800 provisions for the entire project and previously coordinated with the Tennessee State Historic Preservation Officer (SHPO). Archaeological resources potentially eligible for the National Register of Historic Places (NRHP) were identified and required avoidance or additional investigations. A phased approach has been undertaken whereby adequate data recovery would be conducted on each site to subsequently mitigate the adverse effects to an acceptable level. In their February 18, 2004 letter, the SHPO had no objection to the implementation of the

project, as Segment 4 contains no archeological resources eligible for listing in the NRHP. In reviewing the information provided in the archeological report for this project and conversations with the SHPO archeologist, TVA and the SHPO have determined there are no historic properties eligible for listing in the NRHP in the area of the proposed easement located in Segment 1.

### **Mitigation**

TVA's Section 26a approval is contingent upon successful implementation of Best Management Practices for erosion and sediment control including the TVA Standard Conditions 5a through 5e for culverts and Conditions 6a through 6i for construction. TDOT will mitigate 1.20 acres of permanent wetland impacts at a 4:1 ratio by deducting 4.80 credits from the Harpeth Wetland Bank; temporary wetland impacts by returning the area to its original elevations and planting trees; and 1,648 feet of impacted streams through the Tennessee In-Lieu Stream Mitigation Program for a total cost of \$329,600.

### **Conclusion and Findings**

TVA has concluded that the FHWA-prepared EA is adequate; the impacts on the environment and agency comments have been adequately addressed; and necessary mitigation has been identified. TVA has decided to adopt the FHWA EA. It is attached and incorporated by reference.

For compliance with Executive Order 11988, culverts, bridges, the grading, and fill associated with bridge approach are considered to be repetitive actions in the floodplain for which there is no practicable alternative. For compliance with Section 106, TVA has determined that there are no historic properties affected on these sections. TVA has determined that there would be no effects to endangered and threatened species from its land and 26a approval actions. For compliance with Executive Order 11990, there is no practicable alternative and measures to minimize impacts will be undertaken.

Based on the EA, we conclude that the Section 26a approval for stream crossings in segment 4 and the permanent easement for the TVA land would not be a major federal action significantly affecting the environment. Accordingly, an Environmental Impact Statement is not required. This FONSI is contingent upon successful implementation of TVA General and Standard Conditions 5a through 5e and 6a through 6i and the mitigation measures previously identified in the FHWA EA.

  
John M. Lokey

Manager, NEPA Administration  
Environmental Policy and Planning  
Tennessee Valley Authority

March 25, 2004  
Date Signed



**US Army Corps  
of Engineers**

Nashville District

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# Public Notice

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Public Notice No. 04-09

Date: February 9, 2004

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Application No. 200202165

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Please address all comments to:  
Nashville District Corps of Engineers, Regulatory Branch  
3701 Bell Road, Nashville, TN 37214

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**JOINT PUBLIC NOTICE**  
**US ARMY CORPS OF ENGINEERS**  
**TENNESSEE VALLEY AUTHORITY**  
**AND**  
**STATE OF TENNESSEE**

**SUBJECT:** Proposed Wetland Impacts and Culvert Construction for State Route 15 Improvements, Unnamed Tributary to Chisholm Creek, in Lawrence County, Tennessee

**TO ALL CONCERNED:** The application described below has been submitted for a Department of the Army (DA) Permit pursuant to **Section 404 of the Clean Water Act (CWA)** for the discharge of fill material into waters of the United States, and a Tennessee Valley Authority (TVA) permit pursuant to **Section 26a of the TVA Act**. Before a permit can be issued, certification must be provided by the state of Tennessee, pursuant to **Section 401(1)(1) of the CWA**, that applicable water quality standards will not be violated. By copy of this notice, the applicant hereby applies for the required certification.

**APPLICANT:** Tennessee Department of Transportation  
Environmental Planning and Permits Division  
Suite 900, J.K. Polk Building  
505 Deaderick Street  
Nashville, Tennessee 37243  
Montgomery, Alabama 36130

**LOCATION:** Wetland adjacent to Unnamed Tributary to Chisholm Creek, a tributary to Tennessee River Mile 264.3R, along SR-15, in Lawrence County, Tennessee (Ovilla Quad; lat 35-18-37.5840, lon 87-31-15.4200)

**DESCRIPTION:** The proposed work at this site involves filling of wetland adjacent to an Unnamed Tributary to Chisholm Creek for the road construction of SR-15, from east of Natchez Trace Parkway to SR-240 (as labeled I404#1 on the enclosed project map). The proposed work would permanently impact 1.09 acres of shrub/scrub wetland. Associated with this wetland impact is the construction of 182' of 6' by 4' box culvert

with 24' of riprap for stabilization. Also, an additional 0.04 acres would be temporarily impacted for equipment access.

One other site (as labeled IARAP #6) which meets the conditions for Nationwide Permit (NWP) #14 (Linear Transportation Projects), involves permanent wetland fill of 0.11 acres into shrub/scrub wetland. Thus, the permanent wetland impacts totals 1.20 acres for the project. TDOT proposes to provide mitigation for the permanent wetland impacts by deducting 4.80 credits (4:1 ratio) from the Harpeth Wetland Mitigation Bank. TDOT proposes to offset the temporary wetland impacts by returning the area to its original elevations and planting trees.

Eight other sites (as labeled IARAP #1,2,3,4,5,7,8,9) are proposed along this proposed section of SR-15 improvements that would require a DA permit, but meet the conditions for NWP #14. However, the sites would still require mitigation, which has also been proposed by participating in the Tennessee In-Lieu Fee Stream Mitigation Program (ILFSMP). Table 1 is enclosed and provides the total amount of project stream impacts and proposed mitigation for this SR-15 improvement project. The complete project mitigation would involve a total of 1,648' of stream impacts by participating in the ILFSMP for a total cost of \$329,600.

The purpose of the proposed work would allow the highway upgrade to handle the continual growth of traffic, improve the existing design deficiencies in the horizontal and vertical alignment and shoulder widths, and improve public safety in this area.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof, among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public, federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be

considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An Environmental Assessment (EA) was prepared and approved on April 6, 2000, and a Findings of No Significant Impact (FONSI) approved on October 28, 2002, by the Federal Highway Administration (FHWA) for this project. This office will prepare a Statement of Findings (SOF) for the proposed wetland and stream impacts and proposed mitigation.

Previous coordination with the Tennessee Historical Commission (THC) has been performed by TDOT. In a letter dated December 16, 1999, THC indicated that the considering information provided, they find that no historic architectural properties will be affected by this undertaking. In addition, an archaeological survey has been prepared for this project and previously coordinated with THC by the applicant. THC responded to the survey results by letter dated January 10, 2000, stating that based on the information provided, the project corridor contains archaeological resources potentially eligible for listing in the National Register of Historic Places and should be avoided by construction or subjected to Phase II testing. For Section 106 purposes, the overall SR-15 project from Waynesboro to Pulaski was processed under the 36 CFR 800 provisions. However, the applicant has indicated that this proposed section of roadway improvement pertains to a design section that has no historic properties or restrictions due to the proximity of historic properties.

The applicant previously coordinated the proposed project with the U.S. Fish and Wildlife Service (USFWS). USFWS responded by letter dated September 23, 1998, stating that the federally listed Eggert's sunflower may occur in the impact area of the project and a Biological Assessment (BA) would be required. The BA was prepared on August 26, 1999, and concluded that the proposed project would not have an impact on the species. In a letter dated September 23, 1999, the USFWS stated that the BA is adequate and concurred with the not likely to adversely affect conclusion. Thus, USFWS believes that the requirements of Section 7 of the Endangered Species Act have been fulfilled and initiation of formal consultation procedures with the USFWS is not planned at this time.

Other federal, state, and/or local approvals required for the proposed work are as follows:

Tennessee Valley Authority (TVA) approval is required under Section 26a of the TVA Act for the proposed work. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices

Public Notice 04-09  
File No. 200202165

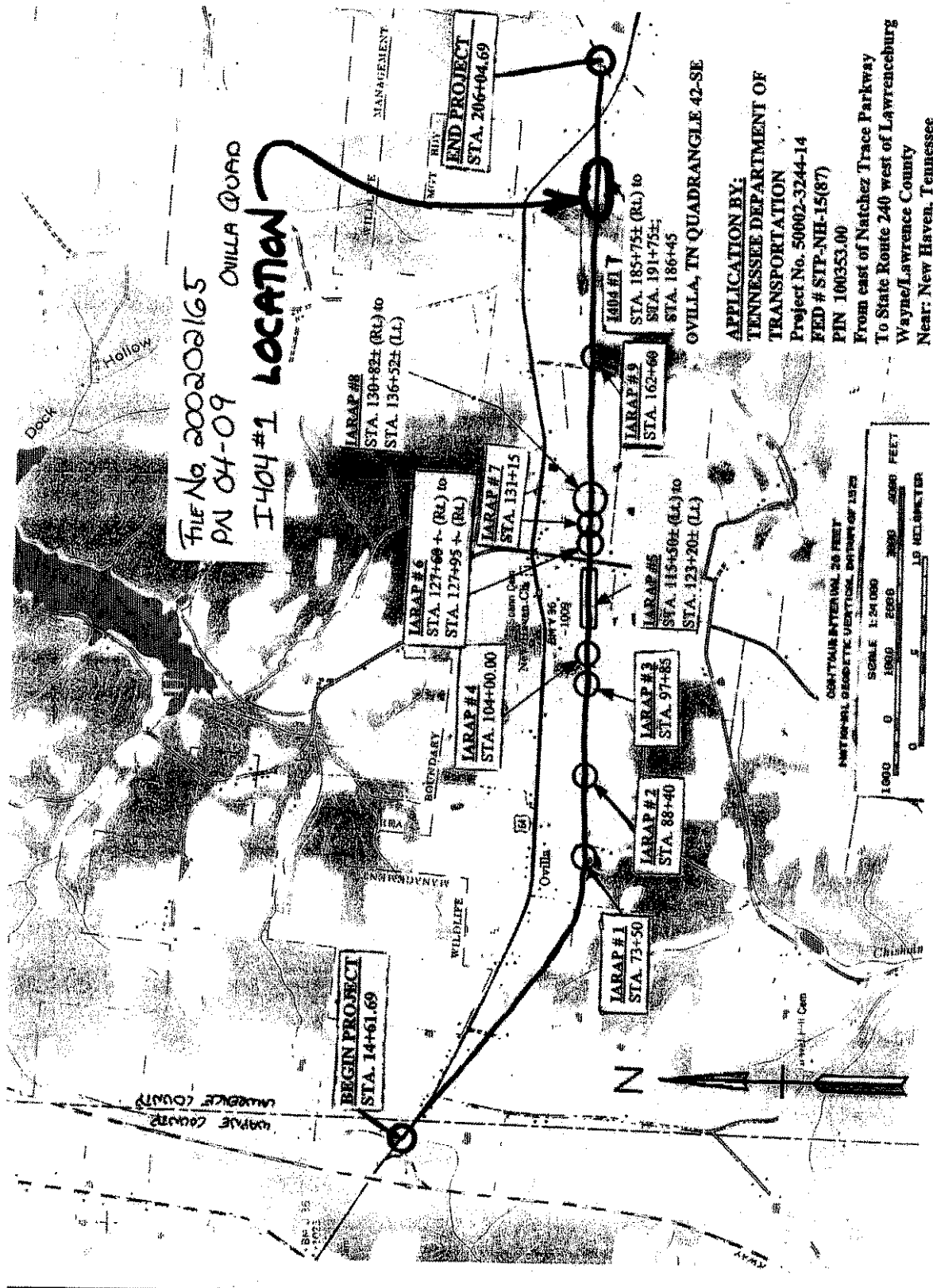
to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.

Water Quality Certification from the state of Tennessee is required for the proposed work in accordance with Section 401(a)(1) of the Clean Water Act.

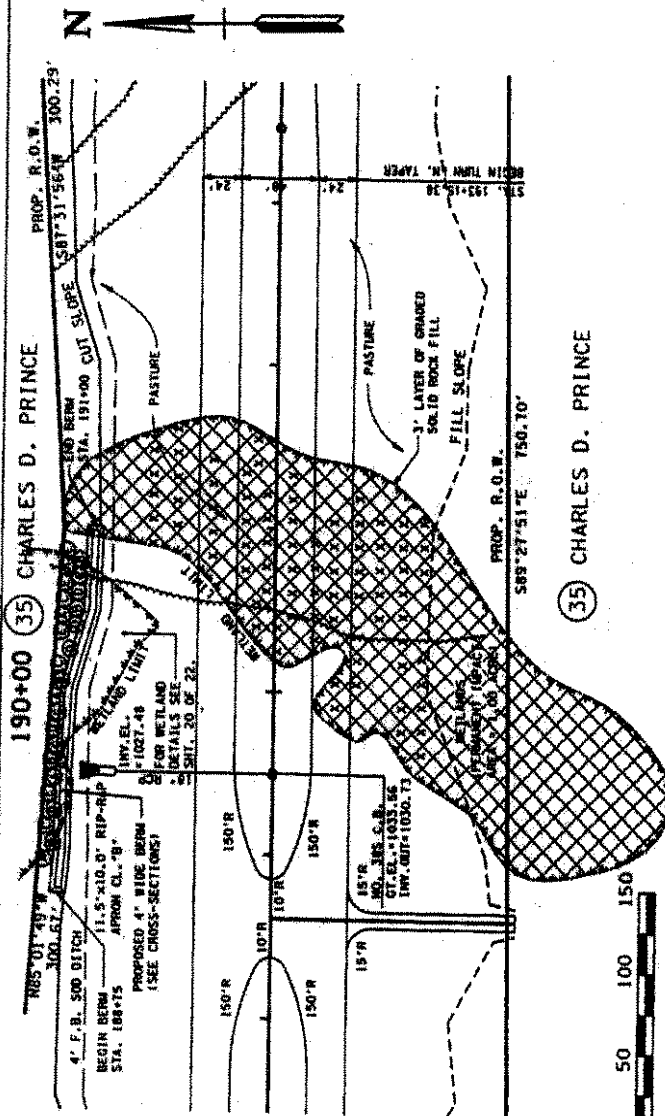
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before March 10, 2004, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Amy Robinson, at the above address, telephone (615) 369-7509. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to Tennessee Valley Authority, Wilson Lake Land Management Office, P.O. Box 1010, Muscle Shoals, Alabama 35662-1010.





# Permit Sketch



ADJACENT PROPERTY OWNERS:

(35) CHARLES D. PRINCE

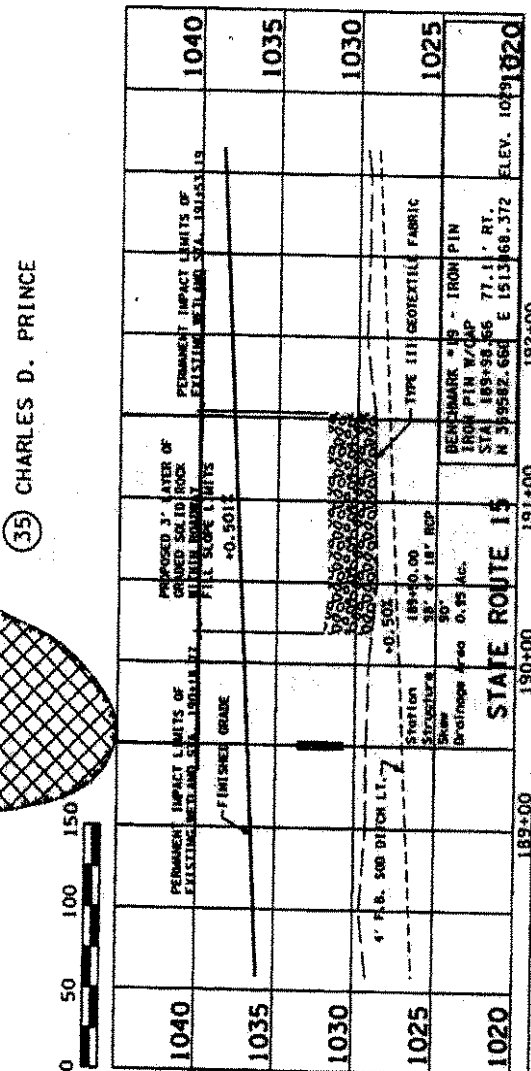
WETLAND IMPACTS	
AREA OF PERMANENT FILL	= 1.00 AC.
VOLUME OF PERMANENT FILL	= 398 C.Y.
AREA OF TEMPORARY FILL	= 0 AC.
VOLUME OF TEMPORARY FILL	= 0 C.Y.

LOCATION: STA. 188+90±(RT) TO  
STA. 191+75±

WETLAND IMPACT (PERMANENT)

DATE: 11/12/03

REVISED: / /



I 404 # 1

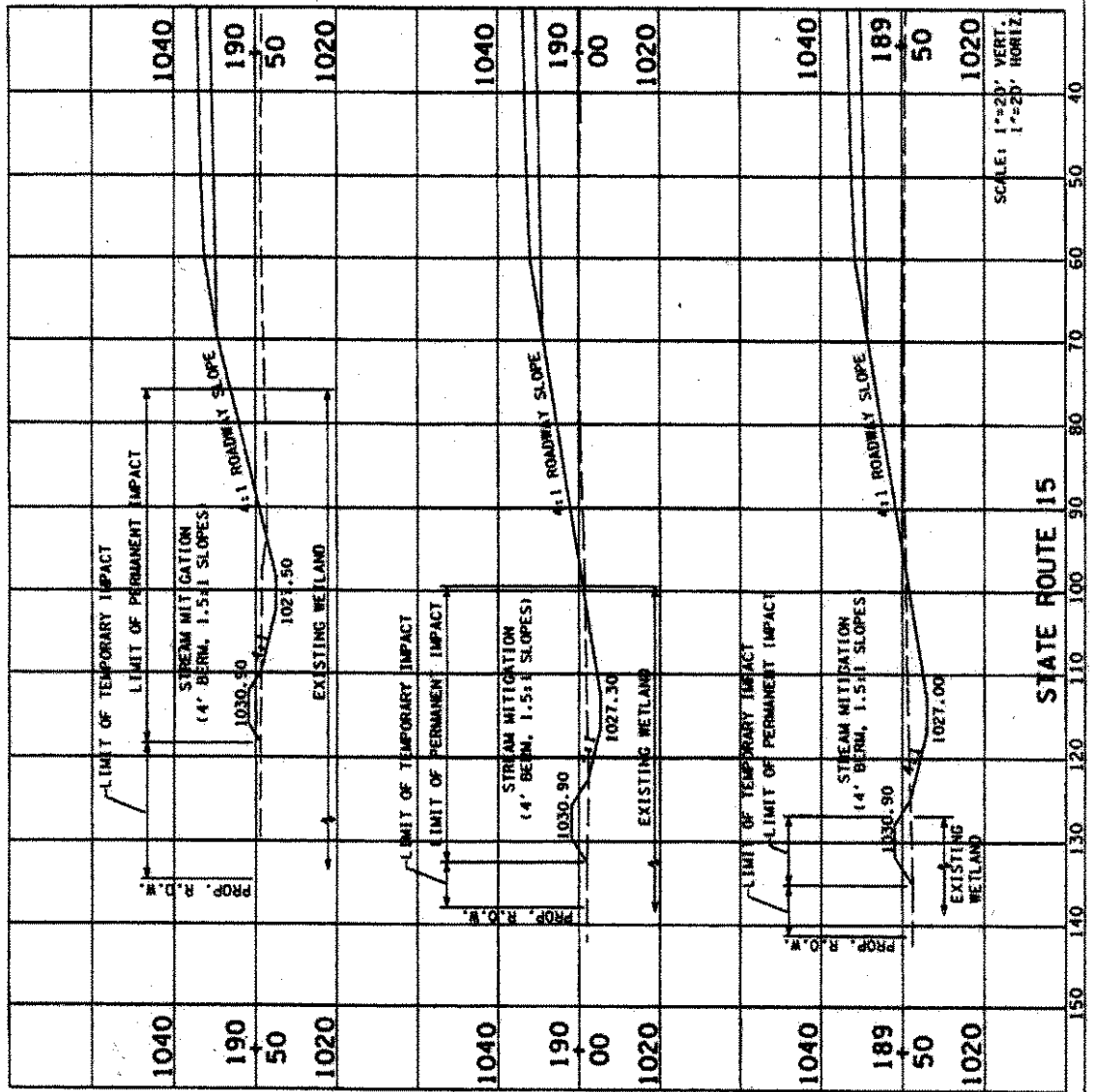
## APPLICATION BY:

TENNESSEE DEPARTMENT OF TRANSPORTATION  
PROJECT No. STP-NH-15(87)50002-3244-14  
U.S. 64 (STATE ROUTE 15) FROM EAST OF  
NATCHEZ TRACE PARKWAY TO STATE ROUTE  
240 WEST OF LAWRENCEBURG.

SHEET 19 OF 22

[illegible]

# Permit Sketch



I404 #1

LOCATION: STA. 186+00±(LT) TO  
STA. 190+80±  
WETLAND IMPACT  
(PERMANENT AND TEMPORARY)

## APPLICATION BY:

TENNESSEE DEPARTMENT OF TRANSPORTATION  
PROJECT No. STP-NH-15(87)50002-3244-14  
U.S. 64 (STATE ROUTE 15) FROM EAST OF  
NATCHEZ TRACE PARKWAY TO STATE ROUTE  
240 WEST OF LAWRENCEBURG.

DATE: 11/12/03

REVISED: / /

SHEET 21 OF 22

Project # 50002-1228-04  
 Project Description: SR-15 From east of Natchez Trace Pkwy. To SR-240 west of Lawrenceburg, Wayne/Lawrence Counties

Table 1. Summary of Individual Permit (404 and ARAP) Stream Mitigation

Permit LD	Impact Stations	Exist. Open Stream Impact Ft	Prop. Open Stream Length Ft	Total Exist. Structures Length Ft	Proposed Structure or Ext. Ft	Total Structure Length Ft	Surface Area Impact ac.	Replacement Length Required Ft	Replacement Length Prop. On-Site Ft	Total In-Lieu Fee Length Ft	In-Lieu Fee Impact I (x 0.50) Ft	In-Lieu Fee Impact II (x 0.75) Ft	In-Lieu Fee Impact III (x 1.0) Ft
IARAP #1	Sta. 73+50	328	83	0	240	240	0.02	245	0	245	0	0	245
IARAP #2	Sta. 88+40	436	105	0	280	280	0.11	396	65	331	0	0	331
IARAP #3	Sta. 97+85	411	160	0	280	280	0.04	375	124	251	0	0	251
IARAP #4	Sta. 104+00	461	151	0	238	238	0.06	437	127	310	0	0	310
IARAP #5	Sta. 115+50+/- (LL) to Sta. 123+20+/- (LL)	837	796	0	52	52	0.06	785	796	(11) surplus	0	0	(11) surplus
IARAP #7	131+15	403	144	0	250	250	0.03	367	108	259	0	0	259
IARAP #8	Sta. 130+82+/- (RL) to Sta. 138+52+/- (LL)	651	635	0	0	0	0.03	651	635	16	0	0	16
IARAP #9	Sta. 162+60	371	124	0	242	242	0.02	337	90	247	0	0	247
TOTALS:		3898	2198	0	1562	1562		3593	1945	1848	0	0	1848
TOTAL AFTER APPLICATION OF IMPACT CLASS RATIO:											0	0	1848
IN-LIEU FEE COSTS (\$200/FT):											0	0	1848
TOTAL In-Lieu Fee Cost =											0	0	\$329,600

In-Lieu Fee

Impact I: Loss of riparian canopy on proposed stream relocation, channel modifications that deviate from or degrade the proper pattern, profile, dimension, and/or in stream habitat (riffles, pools, structures, etc.) and synthetic channel liners along banks (x 0.50)  
 Impact II: Riprap lined channels (bottom & sides), channel modifications that significantly increase the existing channel cross sections to convey flood flows, riprap or concrete lined stream banks (both banks), impoundments (x 0.75)  
 Impact III: Culverts/filling, loss of stream length, concrete lined channels (bottom & sides) (x 1.0)



**TENNESSEE HISTORICAL COMMISSION**  
DEPARTMENT OF ENVIRONMENT AND CONSERVATION  
2941 LEBANON ROAD  
NASHVILLE, TN 37243-0442  
(615) 532-1550

February 18, 2004

Ms. Amy Robinson  
U.S. Army Corps of Engineers, Nashville District  
Regulatory Branch  
3701 Bell Road  
Nashville, Tennessee 37214

RE: COE-N, PN#04-09/SR-15/NATCHEZ TR - SR-240, UNINCORPORATED,  
LAWRENCE COUNTY, TN

Dear Ms. Robinson:

At your request, our office has reviewed the above-referenced undertaking in accordance with regulations codified at 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739). Based on the information provided in the archaeological report submitted by the Tennessee Department of Environment and Conservation, we find that this segment of the overall highway improvement project contains no archaeological resources eligible for listing in the National Register of Historic Places.

Therefore, this office has no objection to the implementation of this project. If project plans are changed or archaeological remains are discovered during construction, please contact this office to determine what further action, if any, will be necessary to comply with Section 106 of the National Historic Preservation Act.

Your cooperation is appreciated.

Sincerely,

Herbert L. Harper  
Executive Director and  
Deputy State Historic  
Preservation Officer

HLH/jmb

cc: J. Bennett Graham, TVA Cultural Resources

FEB 20 2004



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

446 Neal Street  
Cookeville, TN 38501

March 9, 2004

Lt. Colonel Byron G. Jorns  
District Engineer  
U.S. Army Corps of Engineers  
3701 Bell Road  
Nashville, Tennessee 37214

Attention: Ms. Amy Robinson, Regulatory Branch

Subject: Public Notice No. 04-09. Tennessee Department of Transportation Proposed Wetland Impacts and Culvert Construction for State Route 15 Improvements, Lawrence County, Tennessee.

Dear Colonel Jorns:

Fish and Wildlife Service (Service) personnel have reviewed the subject public notice. The proposed highway improvement project involves permanent impacts to 1.2 acres of wetlands and 1,648 linear feet of stream along State Route 15 in Lawrence County, Tennessee. The applicant (Tennessee Department of Transportation) proposes to mitigate the permanent wetland loss at a 4:1 ratio with available credits at the Harpeth Wetland Mitigation Bank. The permanent stream impacts would be mitigated by utilizing the Tennessee Stream Mitigation Program. The following constitute the comments of the U.S. Department of the Interior, provided in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) and the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

Endangered species collection records available to the Service do not indicate that federally listed or proposed endangered or threatened species occur within the impact area of the project. We note, however, that collection records available to the Service may not be all-inclusive. Our data base is a compilation of collection records made available by various individuals and resource agencies. This information is seldom based on comprehensive surveys of all potential habitat and thus does not necessarily provide conclusive evidence that protected species are present or absent at a specific locality. However, based on the best information available at this time, we believe that the requirements of section 7 of the Endangered Species Act of 1973, as amended, are fulfilled. Obligations under section 7 of the Act must be reconsidered if (1) new information reveals impacts of the action that may affect listed species or critical habitat in a manner not previously considered, (2) the action is subsequently modified to include activities which were not considered during this consultation, or (3) new species are listed or critical habitat designated that might be affected by the action.

Our records indicate that no request has been granted by the Mitigation Bank Review Team (MBRT) to allow the proposed wetland impacts to be mitigated in a recognized wetland mitigation bank. Therefore, we recommend that the subject public notice be placed in abeyance until the applicant requests and receives approval from the MBRT. This wetland mitigation request should be sent to all members of the MBRT for review and acceptance before the permits are granted. We would likely have no objection to the subject public notice or use of the Harpeth Wetland Mitigation Bank for permanent wetland impacts, if the proper procedures are used. We have no objection to utilizing the Tennessee Stream Mitigation Program for the proposed stream impacts.

Thank you for this opportunity to review the subject notice. Please contact Robbie Sykes of my staff at 931/528-6481 (ext. 209) if you have questions about these comments.

Sincerely,



Lee A. Barclay, Ph.D.  
Field Supervisor

xc: Dan Sherry, TWRA, Nashville, TN  
Dan Eagar, TDEC, Nashville, TN  
Stephanie Fulton, EPA, Atlanta, GA